

JUL 31 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDGAR QUIAMBAO, aka Quimbao  
Edgar,

Defendant - Appellant.

No. 06-50491

D.C. No. CR-04-00050-DSF-6

MEMORANDUM \*

Appeal from the United States District Court  
for the Central District of California  
Dale S. Fischer, District Judge, Presiding

Submitted July 22, 2008\*\*

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Edgar Quiambao appeals from the 15-month sentence imposed following his guilty-plea conviction for bank fraud, in violation of 18 U.S.C. § 1344. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Quiambao contends that the district court plainly erred by imposing an above-Guidelines range sentence without providing reasonable notice of its intent to do so. Quiambao's contention fails as the district court did not plainly err in failing to provide notice before imposing the sentence. *See Irizarry v. United States*, 128 S. Ct. 2198, 2202-04 (2008).

**AFFIRMED.**